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Human rights situations that require the Council's attention

Albania,* Andorra,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Croatia, Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Iceland,* Ireland,* Italy,* Japan, Jordan,* Kuwait,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives,* Malta,* Montenegro,* Morocco,* Netherlands,* New Zealand,* Poland,* Portugal,* Qatar, Romania,* Saudi Arabia,* Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation by all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27

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September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and stressing the need to respect the de-escalation areas in order to achieve a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling also that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling further the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, and regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and besiegement directed against civilian populations as a method of warfare, and stresses the particular situation of concern in this regard in Idlib and other areas where airstrikes continue to cause death and injury among civilians;

7. *Further strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

8. *Strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

9. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

10. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;[1]

11. *Notes* the Commission's findings that such acts of sexual violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

12. *Strongly condemns* all acts of such violence, calls for immediate medical and psychosocial support to be provided to survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission;

13. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the

[1] See A/HRC/37/72 and A/HRC/37/CRP.3.

Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

14. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

15. *Strongly condemns* the continued widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

18. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians and sexual violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;[2]

19. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[2] and in particular calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees, and to provide information on those they have detained to their families;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

21. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

22. *Expresses deep concern* at the situation of the 6.6 million internally displaced people across the Syrian Arab Republic, and urges all parties to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

[2] See A/HRC/37/72.

23. *Deplores* the existence and application of national legislation, in particular Syrian law No. 10/2018, which would have a significant detrimental impact on freedom of movement and the right of Syrians displaced by the conflict to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its repeal;

24. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary and subject to informed consent to the places of origin and protect all property and tenancy rights;[2]

25. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

27. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

28. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

29. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which they found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

30. *Expresses grave concern* at the recent finding by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

31. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, resulting in the death of more than 70 people and injury to many more, and looks forward to the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

32. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017 and March 2018, in which the Technical Secretariat reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

33. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and also expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

34. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

35. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

36. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

37. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including its close cooperation with the Commission of Inquiry and Syrian civil society;

38. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate, multiannual, financial means for its functioning;

39. *Deplores* the grave humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 2 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

40. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of Eastern Ghouta amounted to war crimes and crimes against humanity;[3]

41. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

42. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

43. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries Turkey, Lebanon, Jordan and Iraq, as well as of Egypt to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs

[3] See A/HRC/38/CRP.3.

of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

44. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

45. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels in 2018, and renews its call for the international community to deliver in full all pledges;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

47. *Decides* to remain seized of the matter.